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VIA FACSIMILE

USDS SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #:  
 DATE FILED: 1-11-08

Kenneth F. McCallion

January 11, 2008

Hon. Victor Marrero  
 United States District Court  
 Southern District of New York  
 500 Pearl Street, Room 660  
 New York, New York 10007

Re: Jose Romero Garcia v. Coca-Cola  
 Index No. 07 CV 11444 (VM)

Dear Judge Marrero:

This is to request an extension of time for plaintiff's and defendant's counsel to comply with the Court's Order of January 4, 2008, which was electronically filed on January 7, 2008. The Order directed plaintiff to respond by January 10<sup>th</sup> with a letter showing cause why this matter should not be transferred, with defense counsel to respond with a letter by January 14, 2008.

This case was removed from the New York State Supreme Court, New York County, by Notice dated December 20, 2007. My law firm had filed a Notice of Appearance in state court, but did not file a Notice of Appearance in federal court such that we would receive electronic notification of electronically filed order. Consequently, our law firm did not receive notice of the Court's electronically filed order, and was advised by defense counsel today of the Court's order. My law firm is filing a Notice of Appearance today to ensure that we receive all future orders and filings in this matter.

This is to request an extension of the schedule for plaintiff to file a letter until January 21, 2008, and for defense counsel to file their letter by January 25, 2008. I am beginning a trial before Judge Cote this Monday, January 14<sup>th</sup>, and both I and the other attorney in my law firm who are familiar with this matter are working full time on matters relating to this trial. I have discussed this matter with Ms. Alychia Lynn Buchan of the Proskauer Rose firm, counsel for the defendant, and she joins in this request for an extension of the schedule.

Respectfully submitted,

*Kenneth F. McCallion*  
 Kenneth F. McCallion

cc: Alychia Lynn Buchan, Esq. (via fax)

*Request GRANTED. The time for plaintiff to respond to the Court's Order dated 1-4-08 is extended to 1-21-08; defendant shall respond by 1-25-08*

SO ORDERED:  
 1-18-08 *[Signature]*  
 DATE VICTOR MARRERO, U.S.D.J.